

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION
(PCT Rule 66)

t.u. 21/02/04

To: Slomczynska, Elzbieta POLSERVICE SP. z o.o. P.O. Box 335 00-950 WARSZAWA POLOGNE		„POLSERVICE” Sp. z o.o. Wplynelo 2003-11-24 L.p. K171Z Skierowano		Date of mailing (day/month/year) 21.11.2003
Applicant's or agent's file reference OZOKI/P3843		REPLY DUE within 3 month(s) from the above date of mailing		
International application No. PCT/PL03/00007	International filing date (day/month/year) 21.01.2003	Priority date (day/month/year) 29.01.2002		
International Patent Classification (IPC) or both national classification and IPC B01L9/00				
Applicant "HTL STREFA" SP. Z O.O.				

- This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application
- The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
 For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
 For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 29.05.2004.

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-5 filed with telefax on 25.09.2003

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	
Inventive step (IS)	Claims	1-5
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

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Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document/s/:

- D1: US-B1-6 286 678 (PETREK JAMES S) 11 September 2001 (2001-09-11)
- D2: GB-A-1 522 128 (BENNETT J) 23 August 1978 (1978-08-23)
- D3: US-A-6 007 779 (HOMBERG WILLIAM D ET AL) 28 December 1999 (1999-12-28)
- D4: US-A-4 349 109 (SCORDATO EMIL A ET AL) 14 September 1982 (1982-09-14)

The application does not fulfill the requirements of Article 33(1) PCT.

Novelty

The subject-matter of claim 1 is new over the disclosure of D1 because the following technical features are not described in D1:

- elastic links of the feeder disposed between its side walls and elastic holders
- grooves disposed in the opposite side walls of the base.

Inventive step

The application does not fulfill the requirements of Article 33(3) PCT.

D1 discloses a number of feature of claim 1. Particularly relevant parts of D1 are: fig. 1-3, col. 5 lines 14-46.

It is not clear from the application what technical problem is intended to be solved.

Therefore, the technical features of claim 1 that are not described in D1 have not been shown to solve any technical problem and the subject-matter of claim 1 is not inventive.

The same goes for dependent claims 2-5, which have not been shown to solve any technical problem.

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It should be noted that:

- the use of grooves in the side walls of a base is already known in the art of laboratory equipments as for example in D2 (fig.1 and 3)
- inner stabilising rings are already known in the art of laboratory equipments as for example in D3 (fig.1b)
- additional bottom bases are already known in the art of laboratory equipments as for example in D4 (fig.6).